



Crl.O.P.No.28033 of 2022

Crl.O.P.No.28033 of 2022

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 364 & 302 of IPC in Crime No.387 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that due to previous enmity, certain named persons viz., Manickam, Frankline, Lawrence, Eliya, Moses, Appu, Saran, Mugunthan, Gokul, who can be identified have assaulted her son indiscriminately on his neck, head and face. Due to which, her son fell down and died on the spot. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he nothing to do with the alleged offence. He would further submit that the petitioner is ready to abide by any stringed conditions as imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



WEB COPY

4.The learned Government Advocate (Crl.Side) would submit that the accused had assaulted the defacto complainant's son, due to which, he died on the spot. He would submit that even though the petitioner was not arrested on the spot, he was arrested based on the confession of A1. He would further submit that the co accused in this case have been arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner.



7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Ambattur** on condition that each of the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30 am for a period of eight weeks and thereafter, every Saturday for a period of two months.



WEB COPY



CrI.O.P.No.28033 of 2022

T.V.THAMILSELVI,J.

shk

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

23.12.2022

shk

CrI.O.P.No.28033 of 2022